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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/617,153

07/08/2003

Wan Soo Han

SUN-0028

2733

7590

07/27/2005

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EXAMINER

PERRY, ANTHONY T

ART UNIT

PAPER NUMBER

2879

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/617,153

Applicant(s)

HAN ET AL.

Examiner

Anthony T. Perry

Art Unit

2879

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 July 2003 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

The Amendment filed on 5/23/2005, has been entered and acknowledged by the Examiner.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 and 5, 7-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Nishimaki et al. (JP 11-273872).

Regarding claims 1, 3, and 7-8, Nishimaki et al. teach an EL device comprising a transparent electrode layer (3a) formed on an insulation substrate (2a); a luminescent layer (4) on the transparent electrode layer (3a); an insulation layer (5) formed on the luminescent layer (4); a rear electrode layer (6a) formed on the insulation layer (5); a first protection layer (7) covering the luminescent layer (4), the insulation layer (5), and the rear electrode layer (6a); a conductive electrode layer (8a) for reducing noise formed on the first protection layer (7); and a second protection layer (2b) covering the noise reducing electrode layer (8a) (for example, see Fig. 1).

Regarding claim 2, Nishimaki et al. teach the noise reducing electrode layer (8a) commonly grounded along with the transparent electrode layer (3a) so as to be connected to one of the two electrodes of the EL device (for example see Fig. 1).

Regarding claims 5 and 9, the first and second protection layers function as a protection film preventing penetration of moisture from outside and an insulation film between electrodes (see paragraphs 0012-0013).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4, 6, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishimaki et al. (JP 11-273872).

Regarding claim 4, Nishimaki et al. teach only exemplify the noise-reducing electrode being formed of aluminum. However, it states that the noise-reducing electrode is not limited to aluminum and may be formed by other suitable materials. Using silver is a well known alternative to using aluminum as the material of conductive electrodes in the art of EL devices. Furthermore, it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416. Thus, it would have been obvious to one having ordinary skills in the art at the time the invention was made to have used silver as the noise-reducing electrode, since the selection of known materials for a known purpose is within the skill of the art.

Regarding claims 6 and 10, Nishimaki et al. teach the first protection layer (7) being made of fluororesin, a known polyester, and the second protection layer (2b) being formed of a material known for its moisture proof film, but do not specifically state that the moisture proof film is made of polyester. However, it is well known to use polyester as moisture proof films in EL devices. Furthermore, it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416. Thus, it would have been obvious to one having

Art Unit: 2879


ordinary skills in the art at the time the invention was made to have used polyester as the second protection layer, since the selection of known materials for a known purpose is within the skill of the art.

Contact Information

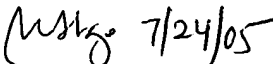
Any inquiry concerning this communication or earlier communications from the examiner should be directed to *Anthony Perry* whose telephone number is (571) 272-2459. The examiner can normally be reached between the hours of 9:00AM to 5:30PM Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel, can be reached on (571) 272-24597. **The fax phone number for this Group is (571) 273-8300.**

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Anthony Perry
Patent Examiner
Art Unit 2879
July 25, 2005



Mariceli Santiago
Primary Examiner
Art Unit 2879